

sideration of that honorable body. He is induced to pursue this course upon perceiving that great embarrassments have been thrown around his father's nomination, by a bill which has this day passed the Senate, to dismember the sixth Judicial District, and attach the county in which its Judge, (the present nominee resides,) to the fifth Judicial District, in which there is already a Judge.

I am yours respectfully, &c.,

D. W. C. CLARK.

Mr. Gage moved that the request be granted, upon which, the yeas and nays were called, and stood as follows:

YEAS—Messrs. Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wootten—17.

NAYS—None.

So the request was granted and the nomination withdrawn.

A bill to be entitled an act to legalize the marriage of Eli Gray, with Ann Eliza Gray; read and ordered to be engrossed.

Joint Resolution proposing an amendment to the Constitution of the State of Texas, together with the report of the committee on the Judiciary thereon, was made the special order of the day for Tuesday next.

Joint Resolution for the benefit of R. M. Potter, Collector of Customs at Velasco, during the years 1842, 1843, and 1844, together with the report of the committee on Finance, thereon; was read; report adopted, and joint resolution laid upon the table.

On motion of Mr. Wallace, the Senate adjourned until 9 o'clock, to-morrow morning.

Saturday, 9 o'clock, A. M.
February 19th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Brashear, Bache, Burleson, Clark, Dancy, Gage, Grimes, Jewett, Gitzgerald, McRae, Navarro, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wooten—quorum present.

The Journal of the preceding day was read and adopted.

Mr. Phillips presented the petition of James Alexander Penjarvis, which was read; and,

On motion of Mr. Phillips referred to the committee on claims and accounts.

Mr. Dancy Chairman of the committee on State Affairs, made the following report:

The committee on Affairs of State to whom was referred "a bill to be entitled an act to provide for the election of Electors of President and Vice President of the United States," with an amendment, after examining the same, have instructed me to report the bill to the Senate with the following amendments, (to wit:)

Amendment First:

In Sec. 1, line 3, after "and" insert "on the first Tuesday next after the first Monday in November."

Amendment second.

In Sec. 3, line 4, after "dollars" insert "recoverable in the name of the Governor, for the use of the State, on motion made in the District Court, by the District Attorney, after ten days previous notice given to the officer or officers failing to make return."

Amendment third.

In Sec. 4, line 5, after dollars insert the *preceding amendment*, excepting the words "or officers."

Amendment fourth.

In Sec. 5, line 4, after "the" strike out "second Monday in December," and insert "fourth Monday in November." Strike out from "shall" in 15th line to "forfeit" in 16th line, and add to the Section, "after giving ten days notice thereof in writing to the Secretary of State."

Amendment fifth.

In Sec. 6, fill the blank so as to read "first Wednesday of December next."

Amendment sixth.

In Sec. 7, line 3. after "attend" insert, "by the hour of two o'clock in the afternoon of the day pointed out in this act."

Amendment seventh.

Strike the 8th section out entirely, and insert:

"SEC. 8. *Be it further enacted*, That the Governor shall, on or before the meeting of the Electors, cause three lists of the names of such Electors to be made out and delivered to them, as required by act of Congress."

After examining the acts of Congress on the subject of the election of Electors of President and Vice President of the United States, these amendments have been adopted by the committee, as being in accordance with the laws of Congress.

I am therefore instructed to recommend to the Senate, the adoption of the amendments and the passage of the bill as amended.

Mr. Clark, Chairman of the committee on the Judiciary made the following report.

The committee on the Judiciary, to whom was referred "a bill to be entitled an act to authorize a special tax to be levied upon the citizens of Harris county:" and,

Also a bill to be entitled an act to authorize a special tax to be collected in the county of Guadalupe, have had the same under consideration, and have instructed me to report the same back to the Senate.

These bills were referred to the committee to obtain their opinion upon the constitutionality of the tax proposed to be raised in the counties named. The committee stand so divided upon the question, that it is impossible to report a positive decision, one way or the other, as the opinion of the committee. Some think the measure unconstitutional, some doubt its policy or expediency, while others are disposed to be governed by the wishes of the citizens of the counties.

Under these circumstances, I herewith report the bills for the consideration and action of the Senate.

Accompanying the bills is a certified transcript of an order of the County court of Guadalupe county, made at the October

term of said Court, appointing certain individuals therein named, a Jail committee, and authorizing them to petition the Legislature to pass a law authorizing a special tax to be levied in the county.

Mr. Perkins, Chairman of the committee on Engrossed Bills, reported "a bill to be entitled an act to legalize the marriage of Eli Gray with Ann Eliza Gray."

And "a Joint Resolution for the relief of J. W. E. Wallace," correctly engrossed.

Mr. Bache introduced a bill to be entitled an act to establish the Harrisburg and Rio Grande Railway Company.

Read first time.

Mr. Phillips introduced a bill to be entitled an act to define the time of holding the District Courts in the tenth Judicial District.

Read first time.

On motion of Mr. Cuny,

A bill to be entitled an act authorizing the County Court of Fort Bend, to levy an additional tax, was taken up and placed among the orders of the day.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to create the county of Hays.

Read third time and passed.

A bill to be entitled an act to create the county of Kaufman.

Read third time.

Mr. Gage moved to amend by inserting the word "each" after the word "day" in 3d line of 11th section.

Adopted.

The bill was then passed.

A bill to be entitled an act to define more correctly the boundaries of DeWitt county.

Read third time and passed.

A bill to be entitled an act to locate permanently the seat of Justice of DeWitt county.

Read third time and passed.

A bill to be entitled an act to establish the county seat of Grimes county.

Read third time and passed.

A message was received from the House of Representatives informing the Senate that the House had adopted the substitute of the Senate for a bill originating in the House, to be entitled an act to prohibit the boards of Land Commissioners in each county in this State from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto have received a conditional certificate from some competent board,

Also that the House had passed a bill to be entitled an act to establish the Galveston and Red River Railway Company.

Also that the House had adopted the following Resolution.

"Resolved, That the Senate concurring, we proceed to elect a Commissioner of the General Land Office, on Saturday 26th inst., at 12 o'clock, M."

A bill to be entitled an act to create the county of Caldwell, together with the report of the committee on counties and county boundaries, offering a substitute therefor, was read: and,

On motion of Mr. Brashear the bill and report were laid upon the table.

Mr. McRae, by leave, introduced a bill to be entitled an act to prescribe the times of holding the sessions of the District Courts, in the fifth Judicial District.

Read first time.

Mr. Wallace, by leave, introduced a bill to be entitled an act to prescribe the times for holding the District Courts of the fifth Judicial Districts.

Read first time.

A message was received from the House of Representatives informing the Senate that the House had concurred in the amendments of the Senate to a bill originating in the House, to be entitled an act to authorize the opening and construction of a Turnpike road from the city of Houston to Brazos River.

A bill to be entitled an act supplementary to an act entitled an act to create the county of Smith; approved, April 11th, 1846.

Read third time and passed.

A bill to be entitled an act to incorporate the town of Montgomery.

Read third time and passed.

A bill to be entitled an act organizing County Courts.

Read second time: and,

On motion of Mr. Williamson, referred to the committee on the Judiciary.

A bill to be entitled an act regulating elections.

Read second time: and,

On motion of Mr. Brashear, referred to the committee on Apportionment, Privileges and Elections.

A bill to be entitled an act to authorize the issuance of land patents to assignees of executors, administrators and guardians.

Read second time: and,

On motion of Mr. Williamson, referred to the committee on the Judiciary.

A bill to be entitled an act to reduce to its constitutional size, define the boundaries and permanently locate the county seat of Henderson county.

Read second time: and,

On motion of Mr. Gage, referred to the committee on counties and county boundaries.

A bill to be entitled an act to provide for ceding to the United States, jurisdiction of certain lands in this State for public purposes.

Read second time: and,

On motion of Mr. Williamson referred to the committee on State Affairs.

A bill to be entitled an act to remove the Land Office of the Robertson Land District, from Franklin in Robertson county to Springfield in Limestone county.

Read second time and passed to a third reading.

The report of the committee on Finance, on the resolution requiring them to enquire into the amount due Clerks of the District Courts by the State, &c., was adopted.

The report of the committee on claims and accounts, on the petition of Luis Sanchez, was read: and,

On motion of Mr. Jewett, the report and petition were laid upon the table.

A bill to be entitled an act to authorize Sheriffs to charge mileage in certain cases, together with the report of the committee on Finance thereon, was read.

On motion of Mr. Clark, the report was laid upon the table, and bill referred to the committee on the Judiciary.

A bill to be entitled an act to change the names of the counties of Cameron, Webb and Starr together with the report of committee on counties and county boundaries, offering a substitute therefor, was read: and,

On motion of Mr. Williams, the report and bill were laid upon the table.

A bill to be entitled an act to extend the time allowed to the Colorado navigation company, for completing the work contemplated by its charter, as mentioned in the 13th section of said charter, approved, January 18th, 1844, together with the report of the committee on Internal Improvements, offering a substitute therefor, was read and substitute adopted.

On motion of Mr. Williamson the bill was made the special order of the day for Monday next.

A bill to be entitled an act for the relief of Kisiah Taylor, whose maiden name was Kisiah Cryer.

Read second time, and ordered to be engrossed.

The report of the committee on Finance on a bill and substitute to provide for ascertaining the public debt of Texas: was, on motion of Mr. Jewett made the special order of the day for Tuesday next.

A bill to be entitled an act for the relief of the purchasers of Austin city lots, together with the report of the committee on Finance, offering a substitute therefor was read. Report adopted and bill ordered to be engrossed.

A bill to be entitled an act to incorporate Williamson academy.

Read second time: and,

On motion of Mr. Clark, referred to the committee on education.

A bill to be entitled an act to incorporate the Colorado and Brazos rail road company.

Read second time: and,

On motion of Mr. Dancy, referred to the committee on Internal Improvements.

Joint Resolution instructing our Senators, and requesting our Representatives to procure the passage of an act of Congress, concerning the establishment of a temporary line of Military Posts, and relative to trade and intercourse with Indians.

Read second time.

Mr. Jewett moved to amend by adding the following additional section.

"SEC. 4. That the Governor furnish a copy of these Resolutions to each of our Senators and Representatives in Congress.

Adopted.

The Joint Resolution was then ordered to be engrossed.

On motion of Mr. Williamson,

The rule was suspended, Joint Resolution read third time and passed.

A bill to be entitled an act to incorporate the Trinity Navigation company.

Read second time: and,

On motion of Mr. Parker made the special order of the day for Wednesday next.

Joint Resolution for the relief of Louis Sanchez.

Read second time: and,

On motion of Mr. Jewett referred to the committee on Finance.

A bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased.

Read second time and ordered to be engrossed.

On motion of Mr. Phillips.

The Senate adjourned until half past 9 o'clock, Monday morning.

Monday, 9 1-2 o'clock. A. M.
February 21, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wooten.

Quorum present.

The Journal of Saturday was read and adopted.